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# San Diego City Attorney **CASEY GWINN**

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## **NEWS RELEASE**

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### **COURT OF APPEAL UPHOLDS CLOSURE OF F STREET ADULT BOOKSTORES**

*Injunction Obtained by San Diego City Attorney Will Be Enforced*

San Diego, CA—Just days after oral argument, the Fourth District Court of Appeal affirmed the City Attorney's efforts to close down the operation of two "F" Street adult bookstores at 3112 Midway Drive and 4626 Albuquerque Street. The Court agreed that "F" Street was bound by a 1993 settlement agreement in which they promised to relocate their establishments. On May 16, San Diego Deputy City Attorney James Chapin argued the case before the 3-member panel of the Court of Appeal.

The adult bookstores had been operating in violation of the City's 1000 foot zoning separation ordinance since 1991, when the City erroneously issued zoning use certificates for both locations, after which "F" Street entered into 10-year leases. The City's discovery of the error and revocation of the certificates led to a lawsuit by "F" Street which was settled by a 1993 agreement to permit operation for the initial 10-year lease terms, whereupon "F" Street was to abandon those sites and relocate. When the leases expired in June 2001, "F" Street refused to honor the agreement, and the City filed suit seeking specific performance of the contract and injunctive relief.

"This case has never been about First Amendment rights," said San Diego City Attorney Casey Gwinn. "They failed to honor an agreement, and they should immediately close their doors."

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